

ORDINANCE NUMBER 294

AN ORDINANCE OF BALLY BOROUGH, BERKS COUNTY,  
PENNSYLVANIA REGULATING AND PROHIBITING CERTAIN  
NOISES WITHIN THE BOROUGH AND PROVIDING PENALTIES FOR  
ANY VIOLATIONS

**WHEREAS**, Bally Borough (Borough) is responsible for enacting and enforcing matters associated with the health, safety and welfare of the residents; and

**WHEREAS**, the Borough desires to reduce certain noises within the Borough to ensure the peaceful, quiet enjoyment evening for its residents; and

**WHEREAS**, unregulated noises pose a risk to the health, safety and welfare of residents of the Borough.

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Council of Bally Borough as follows:

**Section 1:** **Name.** This Ordinance shall be the Bally Borough Noise Ordinance.

**Section 2:** **Legislative Intent.** It is declared a matter of legislative determination and public policy that the making, creation or maintenance of excessive, unnecessary or unusual loud noises, unusual or unnatural in their time and place which disturb the usual peace quietude, tranquility and normal enjoyable use of any residential area are detrimental to the public health, safety, convenience, welfare and prosperity of the residents of Bally Borough and constitute a public nuisance.

**Section 3:** **Noise Disturbance.** Any person, firm or corporation which permits, allows or suffers any such excessive unnecessary, loud or unusual noise or noises referred to in Section 2, above, to emanate from his, her or their property or place of business so as to disturb the usual peace quietude, tranquility and normal enjoyable use of any residence or residences in the Borough shall be guilty of summary criminal offense with a penalty of \$300.00 for each such offense.

**Section 4:** **Specifically Enumerated Noise Disturbances.** In addition to any excessive unnecessary, loud or unusual noise or noises referred to in Section 2, above, and not to the exclusion of such, the following acts are specifically declared to be excessive, unnecessary and unusually loud noises unusual or unnatural in their time and place which disturb the usual peace quietude, tranquility and normal enjoyable use of any residential area are detrimental to the

public health, safety, convenience, welfare and prosperity of the residents of the Borough of Bally and constitute a public nuisance:

(a) The loading or unloading commercial vehicles within 300 feet of any residence between the hours of 11:00 p.m. and 7:00 a.m. Monday through Saturday, or between 11:00 p.m. and 8:00 a.m. on Sunday, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day;

(b) The erection, demolition, alteration, or repair, and any and all activity necessary or incidental thereto, including excavation and earth moving activity, of any building between the hours of 5:00 p.m. and 7:00 a.m. Monday through Saturday or 3:00 p.m. and 10:00 a.m. on Sunday, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving, and Christmas Day; and except during any emergency caused necessity to protect the public health and safety as determined by the Borough Manager, the Borough Emergency Manager, the Chief of Police, The Mayor or The Fire Chief for the Eastern Berks Fire Department or their respective designees. Notwithstanding the foregoing, no contractor or person performing the above-listed activities for remuneration shall be permitted to engage in such activity on Sunday.

**Section 5:**     **Enforcement.** The requirements set forth in this ordinance shall be enforced by the Bally Borough Police.


**Section 6:**     **Violations.** Any person, firm or corporation that violates any provision of this Ordinance shall be guilty of a Summary Offense and upon conviction thereof, be sentenced to pay a fine of not less than \$300.00, and in default of payment, to undergo imprisonment for a term not to exceed 30 days. Each day that a violation of this Ordinance continues shall constitute a separate offense.

**Section 7:**     **Severability.** If any provision(s) of this Ordinance shall be determined to be unlawful, invalid, void or unenforceable, then that provision(s) shall be considered severable from the remaining provisions of this Ordinance which shall be in full force and effect.


**Section 8:**     **Repealer.** All Ordinances or parts of Ordinances inconsistent with the provisions of this Ordinance are hereby repealed insofar, but only insofar, as the same are inconsistent herewith.

**Section 9:**     **Effective Date.** This Ordinance shall take effect immediately.

ENACTED AND ORDAINED into an Ordinance this 4<sup>th</sup> day of October, 2016.

  
Glenn Mutter, Council President

Attest:   
Wendy Mutter, Secretary

Approved:   
David Schott, Mayor

